

CN 4875

B/Keep
d/s
17/9/99

मिसिल सं०

File No.

अनुभाग

Section

281/12/2/99 Cb Vol D

Cabinet

मंत्रालय/विभाग
Ministry/Department

RECORDED
17/9/99

कार्यालय
Office

विषय
Subject

Appointment of a Commission of Enquiry to enquire
into the alleged disappearance of Meiji Susho
Chandru BSC

(Ministry of Home Affairs)

पिछले हवाले
Previous References

5/2
10/11/99

बाद के हवाले
Later References

Vol II



Keep
25/04/11b

281/12/2/99 Cb

CHECKLIST IN REGARD TO EXAMINATION OF A
NOTE FOR THE CABINET/CABINET COMMITTEE

No: 281/12/2/99-Cab.

PART - I

1. NOTE FOR CABINET/COMMITTEE : Cabinet
2. FROM MINISTRY/DEPTT. : Department of Home
3. SUBJECT : Appointment of a Commission of Inquiry to enquire into the alleged disappearance of Netaji Subhas Chandra Bose.

PART-II

1. Physical presentation of the note : Yes A-4 size paper not used. satisfactory (Whether name of the Ministry given, security grading, Sl.No of copies, page-numbering, clarity of typing, etc.)
2. Contents of the note satisfactory : Yes *Anusarc V is not marked as such.*
3. Statement of implementation schedule attached : Yes *Spelling mistake in para 2.1.*
4. Press brief attached : No
5. Hindi version attached : Yes
6. Consultation/concurrence of the Ministries/Deptts. completed : No comments of Department of Legal Affairs may be obtained and incorporated in the body of the note.
7. Approval para in order : No Cabinet approval is not required for the post below the rank of Joint Secretary.
8. Approval of the Minister-in-charge: Yes obtained

PART - III

S.No.	Department(s) Consulted	Secretary to be present
1	Department of Home	YES
2	Department of Expenditure	YES
3	Department of Legal Affairs	YES

May be returned.

J.S. (MR)
23/4/99

23/4/99

AP

Parwan Gurpur

23/4/99

DS(G)

DS(S)

PP/15/102

Ref note - in page

DFA please.

✓
26/Jul

The note was forwarded to
the ministry on 29. 6. 99.

8u-2-348

J. J. D. M.

29/6/99

PICB

Serial No. 2(I)-3(C) - 19-21/Cem.

Reference the minutes of Implementation
Schedule (flossed)

We may ascertain the present
position w.r.t DFA plan.

Dmitrov
3/8/99

J. J. D. M.
31/8/99

SJHM

Serial No. 4(I) - 22/cor.

Serial No. 5(R) - 23- 25/cor.

Reference F.R.

In response to our O.M. dtld. 6th Aug. 99

MHA has forwarded the requisite copy of the
notification issued in pursuance of the decision
of the Cabinet.

No further follow up action is required.

Therefore if approve we may close and record the
file as 'B' keep.

Dmitrov
13/8/99

J. J. D. M.
13/8/99

Bleep
13/8/99

SECRET/MOST IMMEDIATE

भारत सरकार
GOVERNMENT OF INDIA

गृह मंत्रालय

CORRESPONDENCE



SANGITA GAIROLA
संयुक्त सचिव
JOINT SECRETARY

~~SECRET/MOST IMMEDIATE~~

भारत सरकार
GOVERNMENT OF INDIA
गृह मंत्रालय
MINISTRY OF HOME AFFAIRS

5

D.O.No. VI/11034/18/98.D(III)

New Delhi, the 21st April, 1999

Dear Shri Gopalakrishna,

I am sending herewith 45 copies each (in Hindi and English) of the Cabinet Note on appointment of a Commission of Inquiry to enquire into the alleged disappearance of Netaji Subhas Chandra Bose. It is requested that this item may be included in the agenda for consideration by the Cabinet in its next meeting.

With regards,

Yours sincerely,

Sangita Gaurela

(Sangita Gairola)

**Shri P. Gopalakrishnan,
Deputy Secretary,
Cabinet Secretariat,
Rashtrapati Bhavan,
NEW DELHI.**

315736

Excs: As above.

It comprised Shri Sisir Bose and Shri S.N. Maitra. A majority of this committee, after a full enquiry,

Contd... 2/-

S E C R E T

FILE NO.VI/11034/18/98.D(III)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

NOTE FOR THE CABINET

Subject: Appointment of a Commission of Inquiry to enquire into the alleged disappearance of Netaji Subhas Chandra Bose.

1. Background:

1.1 Netaji Subhas Chandra Bose, one of India's greatest sons, described as a "patriot of patriots" by Gandhiji, was fiercely committed to the cause of India's freedom. He believed that the British had to, and could, be driven away through armed action. He founded the Azad Hind Sarkar and led the Indian National Army (INA), in the fight against the British. He tirelessly moved from Malaya to Singapore, to Burma to Japan mobilising support and planning tactics and succeeded in getting Japan to extend its aid. He was on one of his missions when his airplane crashed immediately after take-off in Taihoku (Formosa), on 18 August, 1945.

1.2 Netaji had by then created an undying image for himself amongst his countrymen and such was his aura, and the awe in which he was held, that the report of his demise in a hospital, following the crash, was not universally accepted and, in fact, there has been an agonising question mark over it.

1.3 Government of India took note of the sentiment of millions of Indians who debated the veracity of the report of the aircrash and his subsequent death. It decided to institute an enquiry to ascertain the truth. In April, 1956, it was headed by Shri Shah Nawaz Khan, a close associate of Netaji, and it comprised Shri Sisir Bose and Shri S.N. Maitra. A majority of this committee, after a full enquiry,

Contd... 2/-

S E C R E T

: 2 :

FILE NO.VI/11034/18/98.D(III)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

concluded that Netaji had indeed died in the plane crash and his mortal remains were kept in Renkoji Temple in Japan. The Government accepted this finding but it was not accepted by some sections of our people.

1.4 Demands were made by a number of Members of Parliament for a fresh enquiry. The Government of India, therefore, decided to set up a Judicial enquiry. In July, 1970, Justice G.D. Khosla was appointed to head this Commission of Inquiry. He completed his enquiry and he also concluded that Netaji had died as a result of the plane crash. The Central Cabinet accepted the finding of this Commission of Inquiry in August, 1974. But once again this finding did not gain universal acceptance such was Netaji's persona and his popular charisma.

2. Subsequent developments-Response of India's Prime Minister in 1978:

2.1 Shri Samar Guha, M.P., one of those with whom the report of Netaji's demise did not carry credibility, raised the matter in the Lok Sabha on a number of occasions and demanded another enquiry. On 28th August, 1978, Shri Morarji Desai, the then Prime Minister, responded to this in the Lok Sabha by stating that:

"the majority report of the first Committee and Shri Khosla held the report of the death as true. Since then, reasonable doubts have been cast on the correctness of the conclusions reached in the two reports and various important contradictions in the testimony of witnesses have been noticed. In the light of these doubts and contradictions and

Contd..3/-

S E C R E T

: 3 :

S E C R E T

FILE NO.VI/11034/18/98.D(III)
 GOVERNMENT OF INDIA
 MINISTRY OF HOME AFFAIRS

those records, Government finds it difficult to accept that the earlier conclusions are decisive. At the same time, Government feels that no useful purpose would be served by having any further inquiry. I hope that in the light of this statement, my Hon. friend will withdraw his motion".

2.2 Shri Samar Guha replied as follows:-

"Sir, Today is a great day for the whole Indian people because a mortal sin, a treacherous crime that was committed against the epic hero of Indian freedom has been undone. If I say that Netaji was given burial, out of political conspiracy, it would not be an exaggeration. Although there was not an iota of doubt or any positive proof to the contrary that the plane crash was nothing but fake, and the alleged crash did not involve Netaji at all."

3. Immediate cause of action:

3.1 Much later arose the question of bringing back Netaji's mortal remains from Japan. It was felt that this could be done only if public opinion favoured it. While efforts to build such a favourable public opinion about this were to be undertaken, one Shri Rudra Jyoti Bhattacharjee of Calcutta filed Writ Petition No.281 in the Calcutta High Court in April, 1998 demanding a fresh enquiry into Netaji's alleged disappearance. A few other almost identical Writ Petitions were filed in the Supreme Court and the High Courts of Calcutta and Orissa. These touched upon issues like the 'posthumous' grant of the 'Bharat Ratna' to Netaji,

contd...4/-

S E C R E T

FILE NO.VI/11034/18/98.D(III)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

whether he was declared a war criminal, under what circumstances his mortal remains can at all be brought back to India, etc.

3.2 The Calcutta High Court in its verdict dated 30.4.1998 on the Writ Petition of Shri Bhattacharjee issued directions for "a vigorous enquiry in accordance with law by appointing, if necessary, a Commission of Inquiry" as a special case for the purpose of giving an end to this controversy. The points on which the focus of the enquiry is to be directed are as follows:

- "a) whether Netaji Subhas Chandra Bose is dead or alive;
- b) if he is dead whether he died in the plane crash, as alleged;
- c) whether the ashes in the Japanese Temple are ashes of Netaji;
- d) whether he has died in any other manner at any other place and, if so, when and how;
- e) if he is alive, in respect of his whereabouts.

The respondents shall follow for the said purpose the directions of this Court given in W.P. No.1805 of 1997 namely, to take the people of India in confidence.

Respondents shall at appropriate level examine/scrutinise all publications pertaining to the matter as above and proscribe, if necessary, all

Contd..5/-

S E C R E T

: 5 :

b

FILE NO.VI/11034/18/98.D(III)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

such publications which appear to touch the question of death or otherwise of Netaji if the same has the effect of disturbing the public order and causing incitement to violence.

Respondents, if so advised, shall inform all publication Houses to take its prior permission before any publication on the subject above is made and before granting such permission scrutinise in the manner as indicated above."

4. Resolution of West Bengal Legislative Assembly:

4.1 The West Bengal Legislative Assembly also, on 29.12.1998, adopted a motion demanding;

"that the Government of India should make necessary arrangements for availability of records and documents in and outside India so that the scholars and people could have access to them and also to institute a fresh enquiry commission in order to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose".

4.2 The full text is at Appendix-II.

4.3 The State Government has recommended setting up of an enquiry into the mysterious disappearance of Netaji Subhas Chandra Bose. Its letter is at Appendix-III.

5. Exploring avenues to meet the developments-meeting of eminent opinion makers:

5.1 Government of India took note of the judgement of the Calcutta High Court and the motion passed by the West

Contd...6/-

S E C R E T

: 6 :

S E C R E T

FILE NO.VI/11034/18/98.D(III)
 GOVERNMENT OF INDIA
 MINISTRY OF HOME AFFAIRS

Bengal Legislative Assembly. A meeting of eminent persons was convened by the Union Home Minister on 25.3.1999 to discuss the manner in which action be taken to give effect to the directions of the Calcutta High Court and the motion of the West Bengal Legislative Assembly. The invitees were close associates of Netaji Subhas Chandra Bose as well as some other persons whose views would be crucial intaking a decision in the matter. Those who attended are Col. G.S. Dhillon, Dr. Sisir Kumar Bose, Justice (Retd) R.S. Narula, Dr. D.B. Kalmankar, Shri Soli Sorabji, Attorney General of India and representatives of the Prime Minister's Office, Ministry of External Affairs, Ministry of Defence, Department of Education, Ministry of Law, and officials of the Ministry of Home Affairs. Col. Laxmi Sehgal who was invited, could not attend, but she sent her views which were circulated to all those who attended the meeting.

5.2 Discussions in the meeting were based on the personal knowledge and experiece of those present, the findings of the Shah Nawaz Khan Committee and the Khosla Commission. It was ultimately felt that in order to take the matter to its logical end and that also once for all, it would be advisable to setup another Commission of Inquiry as a very special case for the purpose of arriving at a definite conclusion regarding Netaji Subhas Chandra Bose.

6. Proposed action plan:

6.1 It is, therefore, proposed to appoint a Commission of Inquiry under Section 3 of the Commissions of Inquiry Act, 1952 to enquire into the alleged disappearance of Netaji Subhas Chandra Bose. The terms of reference of the Commission are contained in the draft notification which is at Appendix-IV.

p15h

Contd..7/-

S E C R E T

~~SECRET~~

: 7 :

FILE NO.VI/11034/18/98.D(III)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

6.2 It is also proposed that the Chief Justice of India may be approached to suggest the name of a suitable person from amongst retired Judges of High Courts or the Supreme Court of India to conduct the enquiry.

6.3 It is further proposed to have a number of posts created viz one post of Chairman; one post of Secretary; one post of Officer on Special Duty and 21 other posts representing the supporting staff in the scales of pay indicated against each post in the statement at Appendix-V with a view to enable the Commission to commence functioning without undue delay. The number of posts projected at Appendix-V, depending upon the functional requirement once the Commission gets going, may go up further. This additional requirement of further posts also needs to be kept in view.

7. Approval sought:

7.1 Approval of the Cabinet is therefore solicited to the following:-

- (i) Appointment of a Commission of Inquiry as proposed in para 6.1 and 6.2 above and;
- (ii) Creation of initial requirement of supporting staff for the Commission as contained in para 6.3 above.

8. A statement of implementation schedule is at Appendix-I.

Contd.. 8/-

~~SECRET~~

: 8 :
SECRET

FILE NO.VI/11034/18/98.D(III)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

9. The views of the Ministry of Law, Justice and Company Affairs were sought in the matter and are yet to be received. Their views may be ascertained in the meeting.

10. Views of Ministry of Finance have been obtained (Appendix-VI). The overall financial implication for the creation of posts as proposed at Appendix-V works out to approximately Rs. 38,80,000 p.a. Specific proposals for creation of posts would be moved on file separately to Ministry of Finance (Department of Expenditure) once the proposal is approved.

11. This note has been seen and approved by the Home Minister.

*Recd
21 April 99*

(NIKHIL KUMAR)
Special Secretary (ISP)

Date : 21st April, 1999

SECRET

Contd...9/-

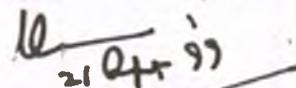
SECRETFILE NO. VI/11034/18/98.D(III)
MINISTRY OF HOME AFFAIRS

* * * *

STATEMENT OF IMPLEMENTATION SCHEDULE

Subject : Appointment of a Commission of Inquiry to enquire into the alleged disappearance of Netaji Subhas Chandra Bose.

List of the decisions required	Projected benefits/results	Time schedule for manner of implementation/reporting to Cabinet Secretariat.
Directions of the Cabinet are solicited for appointing a Commission of Inquiry under the Commissions of Inquiry Act, 1952 (60 of 1952) to inquire into the alleged disappearance of Netaji Subhas Chandra Bose and creation of posts with regard thereto.	The inquiry will give an end to the controversy of alleged disappearance of Netaji Subhas Chandra Bose.	Steps for appointment of the Commission will be taken immediately on Cabinet approval.


21/04/97(NIKHIL KUMAR)
Special Secretary (ISP)SECRET

Contd...10/-

appendix - II

FILE NO. VI/11034/18/98.D(III)
MINISTRY OF HOME AFFAIRS

* * * *

CONTENTS OF THE MOTION AS ADOPTED BY
THE WEST BENGAL LEGISLATIVE ASSEMBLY
ON 24.12.98.

This House notes, with grave concern-
that the people and scholars of India are still in the dark
about the mysterious disappearance of Netaji Subhas
Chandra Bose during the Second World War;

that different statements were made on the floors of
Parliament at different times regarding whereabouts of
Netaji Subhas Chandra Bose;

that the judicial pronouncements of the Supreme Court
and High Court in India created more suspicions in the
minds of people of India regarding Netaji's alleged death
in the plane crash; and

that the records and documents in different countries
of Europe, America, Far East and South East Asia and also
India regarding the mysterious disappearance of Netaji
Subhas Chandra Bose after alleged plane crash have not been
made available to the people and scholars of India.

This House is of the opinion-

that the report of the death of Netaji Subhas Chandra
Bose on an alleged plane crash has not been proved beyond
doubt; and

that the report of the two Commissions of Enquiry set
up by the Government of India are not believed by the
people and scholars of India.

This House, therefore, through the State Government
demands that the Government of India should make necessary
arrangements for availability of records and documents in
and outside India so that the scholars and people could
have access to them and also to institute a fresh enquiry
commission in order to remove the mystery regarding the
whereabouts of Netaji Subhas Chandra Bose.

SECRET

SECRET

FILE NO. VI/11034/18/98.D(III)
 MINISTRY OF HOME AFFAIRS

* * *

Government of West Bengal
 Department of Parliamentary Affairs

Appendix - III

No. 654.PA.

Dated 6th April, 1999.

From : R.P.S. Kahlon, IAS
 Joint Secretary,
 Parliamentary Affairs Department,
 Government of West Bengal.

To : Shri A. K. Paitundi, IAS
 Director, Internal Security,
 Ministry of Home Affairs,
 Government of India.
 Fax No. 011- 301 5750.

Sir,

Please recall your telephonic conversation with Principal Secretary, Home and Home Secretary, Government of West Bengal on 5th April, 1999 regarding the setting up of a Commission of Enquiry into the mysterious disappearance of Netaji Subhas Chandra Bose. A resolution regarding this subject was adopted in the West Bengal Legislative Assembly on December 24, 1998.

The State Government recommends setting up of an inquire into the mysterious disappearance of Netaji Subhas Chandra Bose.

Dir (S-I)

Important
Received at 7 pm today
John Tad
6.4.99
Dir (S-I)

Sch D-III

Yours faithfully,

P. K. Kahlon
 (R.P.S. Kahlon)
 Joint Secretary
 6.4.99

SECRET

FILE NO. VI/11034/18/98.D(III)
MINISTRY OF HOME AFFAIRS

* * *

Appendix ~~III-IV~~
Secret

(TO BE PUBLISHED IN PART II, SECTION 3, SUB SECTION(II) OF THE
GAZETTE OF INDIA, EXTRAORDINARY DATED)

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

New Delhi, the

S.O. Whereas the Shah Nawaz Khan Committee and Khosla Commission of Inquiry appointed by the Government of India in April, 1956 and July, 1970 respectively to inquire into and to report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August, 1945, his reported death as a result of an air craft accident, and subsequent developments connected therewith had come to the conclusion that Netaji Subhas Chandra Bose met his death in an air crash.

And, whereas there is a wide spread feeling among the public that the problem of finding the truth about Netaji's death still remains.

And, whereas there has been a consistent demand for a further inquiry into the matter.

And, whereas the Calcutta High Court also directed Government of India to launch a vigorous inquiry, if necessary by setting up of a Commission of Inquiry for the purpose of giving an end to the controversy.

And, whereas a resolution has been passed in West Bengal Assembly wherein a demand has been made for a further inquiry into the matter.

And whereas the Central Government is of opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making inquiry into a definite matter of a public importance, namely the disappearance of Netaji Subash Chandra Bose in 1945.

Now, therefore, in exercise of powers conferred by Section 3 of the Commission of Inquiry Act, 1952(60 of 1952),

* * *

SECRET

the Central Government hereby appoints a Commission of Inquiry consisting of _____

2. The Commission shall inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and the subsequent developments connected therewith including:-

- (a) whether Netaji Subash Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.

The Commission shall also examine the manner in which the exercise of Scrutiny of Publications touching upon the question of death or otherwise of Netaji can be undertaken by the Govt in the circumstances

3. The Commission shall submit its report to the Central Government as soon as possible but not later than 6 months from the date of publication of this Notification.

4. The headquarters of the Commission shall be at New Delhi, and/or any other place determined by the Commission.

5. The Central Government is of the opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all the provisions of sub-section(2), sub-section(3), sub-section(4) and sub-section(5) of Section 5 of the Commissions of Inquiry Act, 1952 (60 of 1952) should be made applicable to the said Commission and the Central Government, in exercise of the powers conferred by sub-section(1) of the said section 5, hereby directs all the provisions of the said sub-section (2) to (5) of that section shall apply to the Commission.

(File No.VI/11034/18/98-1S(D.III)

S/1. SECRETARY

SECRET

Contd...14/-

List of the tentative staff required for the Committee

Sl. No.	Designation & Scale of Pay	Date	No. of Post
1.	Chairman (Rs.30,000 fixed)		1
2.	Secretary(Rs.14,300-18,300)		1
3.	Officer on Special Duty (Rs.12,750-16,500)		1
4.	Court Master (Rs.10,000-15,200)		1
5.	Section Officer (Rs.6,500-10,500)		2
6.	Assistant (Rs.5,500-9000)		2
7.	Accountant (Rs.5,500-9000)		1
8.	Cashier (Rs.5,500-9000)		1
9.	Typist (Rs.3,050-4,590)		2
10.	Principal Pvt.Secy. (Rs.10,000-15,200)		1
11.	Private Secretary (Rs.6,500-10,500)		2
12.	Steno Gr'C' (Rs.5,500-9,000)		2
13.	Peon (Rs.2550-3200)		3

...contd. ...15/-

: 15 :

FILE NO. VI/11034/18/98.D(III)
MINISTRY OF HOME AFFAIRS

* * * *

Scenes

14. Jamadar
(Rs.2610-3540)

1

15. Safaiwala
(Rs.2550-3200)

1

16. Bailiff

1

17. Process Server

1

SECRET

Contd...16/-

File No. VI/11034/18/98.D(III)
Ministry of Home Affairs

* * * *

CABINET NOTE ON APPOINTMENT OF A COMMISSION OF
INQUIRY TO ENQUIRE INTO THE ALLEGED DISAPPEARANCE
OF NETAJI SUBHAS CHANDRA BOSE

Analysis of the Comments received from Ministry of Finance,
Department of Expenditure

S.No.	Comments	MHA's clarification
1.	Two enquiries, first in 1956 and second in 1970 have already been conducted holding that Netaji had died. It is doubtful if after a lapse of so many years a fresh enquiry would yield different results. The setting up of another Commission seems avoidable.	The present Commission under the Commission of Inquiry Act is being proposed in compliance of the judgement of the Calcutta High Court on Writ Petition No. 281 and a Motion adopted in the West Bengal Legislative Assembly on 29.12.98, which has been duly recommended by the West Bengal Government.
2.	No tenure for the Commission of Inquiry has been prescribed. This is required so as to assess the financial implications.	The draft notification (Appendix-IV) prescribes a term of 6 months for the Commission.
3.	Budgetary support required has not been indicated and is required to be brought out.	Approximately, an amount of Rs. 38,80,000 per annum will be required on account of salary for the Chairman and other officers/staff mentioned in the statement at Appendix-V. However, this is the initial requirement for enabling the Commission to commence functioning, and may go up further depending on the actual requirement.
4.	In keeping with the Department of Expenditure's O.M. dated 8.10.1987 relating to terms and conditions of retired judges appointed as Chairman/Members of Commissions of Inquiry, the pay scale for the Chairman would be Rs. 30,000/- only if he is a retired judge of the Supreme Court or Chief Justice of a High Court.	The proposal contained in para 6.2 viz. to appoint a person from amongst retired Judges of High Courts or the Supreme Court of India to conduct the enquiry is tentative and would depend on the approval of the Cabinet.

SECRET

File No. VI/11034/18/98.D(III)
Ministry of Home Affairs

* * * *

5. As regards creation of other posts, the proposal should be referred on file bringing out full functional justification for creation of each post duly supported by matching savings.

A specific proposal will be moved on file separately for the creation of the posts bringing out full functional justification for creation of each post and will be referred to the Ministry of Finance, Department of Expenditure, after approval in principle by Cabinet.

SECRET

Shri 24/4

18

SECRET

MOST IMMEDIATE

36

COPY NO.....

No. 24/CM/99

GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)

New Delhi, the 1st May, 1999.

The undersigned is directed to circulate herewith the minutes of the meeting of the Cabinet held on the 28th April, 1999. (Case Nos. 160/24/99 to Case Nos. 168/24/99).

Sasim

(S. Sasi Kumar)
for Cabinet Secretary
Tele : 3015344

To

All Members of the Cabinet.

Copy, with a copy of the minutes, forwarded to Shri K.C. Pant, Deputy Chairman, Planning Commission.

Sasim

(S. Sasi Kumar)
for Cabinet Secretary

Copy, with a copy of the minutes, also forwarded to the following in respect of the Case(s) mentioned against each:-

Shri Sompal, Minister of State in the Ministry of Agriculture and
Minister of State in the Ministry of Water Resources. (Case Nos. 160 and 161)

Smt. Maneka Gandhi, Minister of State (Independent charge) of the Ministry of Social Justice and Empowerment. (Case No. 166)

Sasim
(S. Sasi Kumar)
for Cabinet Secretary

Copy, with a copy of the minutes, also forwarded to:-

Secretary to the President.
Secretary to the Vice-President.

Sasim
(S. Sasi Kumar)
Under Secretary to the Cabinet.

ANV
39 Copies.

SECRET

Re b/w

SECRET

MOST IMMEDIATE

COPY NO...*28*

No. 24/CM/99(i)
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)

New Delhi, the 1st May, 1999.

The undersigned is directed to circulate herewith the minutes of the meeting of the Cabinet held on the 28th April, 1999. (Case Nos. 160/24/99 to Case Nos. 168/24/99).

Sasikumar

(S. Sasi Kumar)
Under Secretary to the Cabinet.
Tele : 3015344

To

Principal Secretary to the Prime Minister.
Secretary to the Prime Minister.

Copy, with a copy of the relevant minutes, forwarded to the following in respect of the case(s) mentioned against each:-

Secretary, Ministry of Food Processing Industries.	(Case No. 160 (
Foreign Secretary.	(
Secretary, Department of Agriculture and Cooperation.	(Case Nos. 160 (and 161
Secretary, Ministry of Textiles.	(Case No. 161
Secretary, Planning Commission.	(Case Nos. 161, (163 and 164
Finance Secretary.	(Case Nos. 161 (and 164
Secretary, Department of Expenditure.	(Case Nos. 161, 162 (164, 165 and 167
Secretary, Ministry of Home Affairs.	(Case Nos. 162, 163 (166 and 167
Secretary, Department of Legal Affairs.	(Case Nos. 163 (166 and 167
Secretary, Ministry of Programme Implementation.	(Case No. 164 (
Secretary, Ministry of Power.	(
Chairman, Railway Board.	(Case No. 165
Secretary, Ministry of Personnel, Public Grievances and Pensions.	(
Secretary, Ministry of Social Justice and Empowerment.	(Case No. 166 (
Secretary, Ministry of Urban Development	(

Sasikumar

(S. Sasi Kumar)
Under Secretary to the Cabinet.

ANV
30 Copies.

SECRET

27

SECRET

COPY NO. 1

No. 24/CM/99

CABINET SECRETARIAT

EXTRACT FROM THE MINUTES OF THE MEETING OF THE CABINET HELD AT 1130 HOURS, ON WEDNESDAY, THE 28TH APRIL, 1999, IN THE CONFERENCE ROOM (NO.155), SOUTH BLOCK, NEW DELHI.

OTHER ITEM

Case No. 167/24/99

Item 8

Appointment of a Commission of Inquiry to enquire into the alleged disappearance of Netaji Subhash Chandra Bose.

The Cabinet considered the note dated 21.4.99 from the Ministry of Home Affairs (Grih Mantralaya), circulated in the meeting, and approved the proposals contained in paragraph 7.1 thereof, with the modification that the creation of the posts of the supporting staff below joint secretary level for the Commission may be separately processed in consultation with the Department of Expenditure.

SECRET

GSH

4 copies.

In accordance with the Rules of Procedure in Regard to Proceedings of the Cabinet (Rule 10), progress of action to implement the decision may be included in the Ministry's Monthly Summary for the information of the Members of the Council of Ministers.

Action taken to implement the decision may be communicated to the Cabinet Secretariat with reference to the Implementation Schedule attached to the agenda note.

4(I)

RR/Cos

IMMEDIATE

SECRET

COPY NO. 2...

No. 281/12/2/99-Cab.
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)

.....
New Delhi, the 6th August, 1999.

OFFICE MEMORANDUM

Subject: Appointment of a Commission of Inquiry to enquire into the alleged disappearance of Netaji Subhas Chandra Bose.

The undersigned is directed to refer to the Cabinet Secretariat Memo. No.24/CM/99(i) dated 1st May, 1999 forwarding the minutes of the meeting of the Cabinet held on 28th April, 1999 (Case No.167/24/99) on the above mentioned subject and to request that action taken in pursuance of the decision of the Cabinet may kindly be intimated to the Cabinet Secretariat immediately.

(S. SASI KUMAR)
UNDER SECRETARY
TELE: 3015344.

To,

Min. of Home Affairs,
(Kind Attn.: Smt. Sangita Gairola, Joint Secretary),
NEW DELHI.

5802
issued
4
6/8/99

SECRET

RT
2 copies.

23
SECRET
IMMEDIATE

5(R)

No. VI/11034/18/98-IS(D.III)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

* * * *

New Delhi, the 10th August, 1999.

OFFICE MEMORANDUM

Subject : Appointment of a Commission of Inquiry to enquire into the alleged disappearance of Netaji Subhas Chandra Bose.

* * * *

The undersigned is directed to refer to Cabinet Secretariat O.M. No. 281/12/2/99-Cab. dated 6th August, 1999 on the subject noted above and to say that the Notification appointing a Commission of Inquiry consisting of Mr. Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India, has already been issued by the Central Government on 14.5.1999. A copy of the Notification is enclosed for reference.

2. As regards the creation of posts, it may be stated that the required number of posts, as projected in the Cabinet Note submitted by this Ministry, have already been created in consultation with the Department of Expenditure. A copy of the communication issued by this Ministry in this regard is also enclosed for ready reference.

(V.P. BHATIA)
UNDER SECRETARY TO THE GOVT. OF INDIA.

To

Cabinet Secretariat,
(Shri S. Sasi Kumar, Under Secretary),
Rashtrapati Bhavan,
NEW DELHI.

(TO BE PUBLISHED IN PART II, SECTION 3, SUB SECTION(ii) OF THE
GAZETTE OF INDIA, EXTRAORDINARY DATED 14.5.1999)

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 14.5.99

S.O. 339... (E)- Whereas the Shah Nawaz Khan Committee and the Khosla Commission of Inquiry appointed by the Government of India in April, 1956 and July, 1970 respectively to inquire into and to report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August, 1945, his reported death as a result of an air craft accident, and subsequent developments connected therewith had come to the conclusion that Netaji Subhas Chandra Bose met his death in an air crash;

And, whereas there is a wide spread feeling among the public that the issue of finding the truth about Netaji's death still remains;

And, whereas there has been a consistent demand for a further inquiry into the matter;

And, whereas the Calcutta High Court also directed the Government of India for a vigorous inquiry in accordance with Law, if necessary, by appointing a Commission of Inquiry for the purpose of giving an end to this controversy;

And, whereas a Motion was adopted on 24.12.1998 by the West Bengal Legislative Assembly wherein a demand has been made for a fresh inquiry into the matter to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose;

And whereas the Central Government is of the opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an indepth inquiry into a definite matter of a public importance, namely, the disappearance of Netaji Subhas Chandra Bose in 1945;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Commissions of Inquiry Act, 1952(60 of 1952), the Central Government hereby appoints a Commission of Inquiry consisting of Mr. Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India.

2. The Commission shall inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including:-

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash,

as alleged;

- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.

3. The Commission shall also examine the manner in which the exercise of Scrutiny of Publications touching upon the question of death or otherwise of Netaji can be undertaken by the Central Government in the circumstances.

4. The Commission shall submit its report to the Central Government as soon as possible but not later than six months from the date of publication of this notification.

5. The headquarters of the Commission shall be at New Delhi, and/or any other place as determined by the Commission.

6. The Central Government is of the opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all the provisions of sub-section(2), sub-section(3), sub-section(4) and sub-section(5) of section 5 of the Commissions of Inquiry Act, 1952 (60 of 1952) should be made applicable to the said Commission and the Central Government in exercise of the powers conferred by sub-section(1) of the said section 5, hereby directs that all the provisions of the said sub-sections (2) to (5) of that section shall apply to the Commission.

*Re
14 May 99*
(NIKHIL KUMAR)
SPECIAL SECRETARY (ISF)

(F.No. VI/11034/18/98-IS(D.III)

भारत के राजपत्र, भाग-11, संड-3, उपसंड 111 में तिथि 14-5-1999 को
प्रकाशित है।

भारत सरकार
गृह मंत्रालय

अधिसूचना

नई वित्ती, तिथि 14-5-1999

काठामा० 339 (2) नेताजी सुभाष चन्द्र बोस के 16 अगस्त, 1945 के आसपास बैंकाक से प्रख्यान करने और एक विमान दुर्घटना के परिणामस्वरूप उनकी कथित मृत्यु तथा उससे जुड़े अनुकूली घटनाक्रम से संबद्ध स्थितियों की जांच करने तथा भारत सरकार को इसकी रिपोर्ट देने के लिए भारत सरकार द्वारा छापशः अप्रैल, 1956 तथा जुलाई, 1970 में गठित शाहनवाज खान समिति तथा खोसता जांच आयोग के निष्कर्ष यह है कि नेताजी सुभाष चन्द्र बोस की मृत्यु एक विमान दुर्घटना में हुई है;

और जनता की यह व्यापक धारणा है कि नेताजी जी की मृत्यु के बारे में सच्चाई का पता लगाने का मुद्रा अभी भी यथावत् है ;

और इस मामले में आगे और जांच करने की निरंतर मांग रही है ;

और कलकत्ता उच्च न्यायालय ने भी भारत सरकार को यह निवेश दिया है कि इस विवाद को समाप्त करने के प्रयोजन के लिए विधि के अनुसार विस्तृत जांच कराई जाए, यदि आवश्यक हो तो इस प्रयोजन के लिए जांच आयोग का गठन किया जाए ;

और पश्चिम बंगाल विधान सभा द्वारा 24-12-1998 को एक संकल्प पारित किया गया जिसमें नेताजी सुभाष चन्द्र बोस के पते-ठिकाने का रहस्योदयान करने के लिए इस मामले में नप सिरे से जांच की गांग की गई है ;

और केन्द्रीय सरकार का यह मत है कि सर्वजनिक महत्व के निश्चित गामता, अर्थात् 1945 में नेताजी सुभाष चन्द्र बोस के गायब हो जाने की गहन जांच करने के प्रयोजन से एक चौंब अपेक्षा गठित किया जाना आवश्यक है ;

अतः, अब केन्द्रीय सरकार, जांच आयोग अधिनियम, 1952 (1952 का 60) की पात्र 3 की उपधारा 11 और 12 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एक जांच आयोग गठित करती है, जिसके द्वारा भारत के उच्चतम न्यायालय के सेवा निवृत्त न्यायमूर्ति श्री परमोक्ते पुतर्जी हैं।

इसके द्वारा नेताजी सुभाष चन्द्र बोस के लापता होने से संबंधित सभी तब्दीलों और उनके जांच करने तक पश्चात् अनुकूली घटनाओं की जांच करेगा जिसमें निम्नलिखित भी हैं :—

(1) क्या नेताजी सुभाष चन्द्र बोस की मृत्यु हो गई है या वे जीवित हैं;

॥६॥ यदि उनकी मृत्यु हो गई है तो क्या विमान दुर्घटना में उनकी मृत्यु हुई है जैसीकि अधिकथित है ;

॥७॥ क्या जापान के गव्हर्नर में जो अधिकारी हैं, वह नेताजी की ही अधिकारी हैं ;

॥८॥ क्या उनकी मृत्यु किसी अन्य प्रकार से किसी अन्य स्थान पर हुई है और यह पेसा है, तो वह क्व और कैसे हुई ;

॥९॥ यदि वह जीवित हैं, तो उनके ठौर-ठिकाने के संबंध में जानकारी ।

३ आयोग उस तरीके की भी जांच करेगा जिसमें ऐसे प्रकाशनों की, जिनमें नेताजी की मृत्यु या अन्यथा दुर्घटना होने के प्रश्न अन्तर्वीलत हैं, जांच पड़ताल का कार्य केन्द्रीय सरकार द्वारा हन परिस्थितियों में आरंभ किया जा सकता है ।

४० आयोग, अपनी रिपोर्ट केन्द्रीय सरकार को, यथाशीघ्र, किन्तु इस अधिसूचना के प्रकाशन की तारीख से छह गांस के भीतर प्रस्तुत करेगा ।

५० आयोग का मुख्यालय नई दिल्ली में और/अथवा अन्य किसी स्थान पर होगा जैसा आयोग निर्धारित करे ।

६० केन्द्रीय सरकार की राय है कि मामले की अन्य परिस्थितियों और यी जाने याती जांच के स्वरूप को ध्यान में रखते हुए जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 5 की उप धारा ॥२॥, उप धारा ॥३॥, उप धारा ॥४॥ और उप धारा ॥५॥ के सभी उपबंध उक्त आयोग को लागू किए जाने चाहिए और केन्द्रीय सरकार उक्त धारा 5 की उप धारा ॥१॥ द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उस धारा की उक्त उप धारा ॥२॥ से ॥५॥ तक के सभी उपबंध आयोग को लागू होंगे ।

१५१
१४२१.
॥ निश्चित कुमार ॥
विशेष सचिव, भारत सरकार

No. I/12014/2/99-IS(D.III)
 GOVERNMENT OF INDIA
 MINISTRY OF HOME AFFAIRS

New Delhi, Dated the 2nd June, 1999

O R D E R

Sanction of the President is hereby accorded to the creation of the following temporary Group 'A', 'B', 'C' and 'D' posts for Justice Mukherjee Commission of Inquiry for a period of six months with effect from 14.5.99 or from the date(s) these posts are filled up whichever is later:-

<u>S.No.</u>	<u>Designation & Scale of post</u>	<u>No. of Posts</u>
1.	Chairman, (Rs.30,000 fixed)	1
2.	Secretary, (Rs.14,300-18,300)	1
3.	Officer on Special Duty (Rs.12,750-16,500)	1
4.	Court Master, (Rs. 10,000-15,200)	1
5.	Section Officer, (Rs.6,500-10,500)	2
6.	Assistant, (Rs.5500-9000)	2
7.	Accountant, (Rs.5500-9000)	1
8.	Cashier, (Rs.5500-9000)	1
9.	Typist, (Rs.3050-4590)	2
10.	principal Pvt. Secretary (Rs.10,000-15,200)	1
11.	Private Secretary, (Rs.6500-10,500)	2
12.	Steno Gr 'C' (Rs.5500-9000)	2
13.	Peon (Rs.2550-3200)	3
14.	Jamadar (Rs.2610-3540)	1
15.	Safaiwala (Rs.2550-3200)	1
16.	Bailiff (Rs.2610-3540)	1
17.	Process Server Rs.2610-3540	1

Total	24
-------	----

(25)

2. The expenditure involved will be debit able to Major Head 2070-Other Administrative Services, 105-Special Commissions of Inquiry, 02-Other Commissions, Justice Mukherjee Commission of Inquiry to enquire into the aspect of disappearance of Netaji Subhas Chandra Bose under Grant No.42 of Ministry of Home Affairs for 1999-2000.

3. This issues with the approval of Integrated Finance Division Vide their Dy. No. 923/Fin.V/99 dated 2.6.1999.

V.P.Bhatia

(V.P. BHATIA)
UNDER SECRETARY
Tele No.3015700

No. I/12014/2/99-IS(D.III)

Dated the 2nd June,1999

Copy to:

1. Shri Justice M.K. Mukherjee, Chairman, Justice Mukherjee Commission of Inquiry, GD 359, Sector III, Salt Lake City, Calcutta-700019
2. Budget-I Section, MHA
3. FA(Home), MHA, New Delhi
4. Cash-I Section, MHA, New Delhi
5. Cash-II Section, MHA, New Delhi
6. Finance V Desk, MHA, New Delhi
7. Ad.II/.Ad.III Section, MHA, New Delhi.
8. Spare Copies (five)

(V.P. BHATIA)
UNDER SECRETARY